



राजपत्र, हिमाचल प्रदेश (असाधारण)

हिमाचल प्रदेश राज्य शासन द्वारा प्रकाशित

शिमला, सोमवार, 16 फरवरी, 2004/27 मार्च, 1925

हिमाचल प्रदेश सरकार

Guidelines regarding compounding of Un-authorized buildings in newly constituted Special Areas of Dhalli, New Shimla (Kasumpti) and Totu as well as in existing Kufri and Shoghi Special Areas in relaxation to the Rules framed under Section-39 (C) of the Himachal Pradesh Town & Country Planning Act, 1977 and Section 19-E of the Himachal Pradesh Town & Country Planning Rules, 1978 as one time relaxation in the public interest.

(A) Basic Parameters :

(1) The buildings constructed upto 31-12-2003 within the newly constituted Special Areas of Dhalli, New Shimla (Kasumpti) and Totu as well as in existing Special Areas of Kufri and Shoghi are to be considered for allowing compounding.

(2) Compounding shall be allowed subject to availability of workable set backs for basic amenities like lying of sewerage, water, drainage, electricity and approach path to the bulding by the applicant.

(B) Authority allowing compounding :

The Chairmen of respective Special Area Development Authorities shall allow the compounding.

(C) Mode of application :

Owners of the building, who are interested in getting their buildings compounded, must apply on prescribed proforma to the competent authority i. e. Chairmen of respective Special Area Development Authorities on or before 30-6-2004. The application must be made in accordance with the following terms and conditions :—

- (i) A bank draft of Rs. 100/- payable in the name of Chairman of concerned Special Area Development Authority at the time of submission of the application.
- (ii) The applicant will submit two photographs of his building clearly showing number of Storeys alongwith Tatima, Jamanadi & copy of Sale deed.
- (iii) No demarcation will be necessary unless the building is constructed along National Highway or is abutting the Government land. However, in other cases the applicant will have to submit an affidavit that he has constructed his house on his own land and has not encroached upon any Government/others land.
- (iv) For set backs workable space should be allowed.
- (v) Single line plan of the each floor with cross section of the building along with site plan clearly showing boundary line of ownership as per tatima.
- (vi) Regarding laying of pipelines of water, sewerage, drainage electricity poles/connections etc. the applicants will have to provide enough space so that these facilities could be provided to them. For these facilities, the owner of the building shall submit an affidavit for providing the space. Format of affidavit is enclosed. N. O. C. for water electricity & sewerage will be issued immediately after compounding, on the receipt of application for releasing of water, electricity and sewerage connections. The applicant will also have to deposit a sum of Rs. 500/- per connection for providing water, electricity & sewerage connections. No N. O. C. will be issued where the owner has encroached upon the neighbours or Government land.

(D) Development Fund :

- (i) The Development fund shall be created (if not already created) which is to be managed by the Member Secretary of the Special Area Development Authority;
- (ii) Every applicant shall contribute towards the Development Fund as per the rates prescribed under these guidelines.
- (iii) Member Secretaries of concerned Special Area Development Authorities shall maintain proper records of compounding and the amount collected under these guidelines.
- (iv) The Development Fund shall be used for the development work within the Area of concerned Special Area Development Authority from where the same is collected. The fund may also be used for the demolition of the unauthorized construction, which shall remain uncompounded under these guidelines.

(E) Offences/Deviations eligible for consideration for compounding :

- (i) Building (s), which have been constructed up to four Storeys without prior approval of the Department/Authority in violation of the Himachal Pradesh Town & Country Planning Act, 1977, Himachal Pradesh Town & Country Planning Rules, 1978 and Interim Development Plan for Shimla Planning Area Regulations and also such buildings which have been constructed in contravention of the approved plans, up to four Storeys shall be considered for regularization/retention.

(ii) Buildings constructed without/with approval and consisting of two Storeys beyond the admissible limit under the I. D. P. regulations irrespective of F. A. R. shall also be considered for regularization/retention. For the purpose of counting of number of Storeys basement & attic shall be considered as independent Storey.

(iii) Charges for regularization shall be as under :

(a) For Development Fund	Rs. 2500/- in lump sum
(b) Regularisation charges for first Storey	Rs. 2500/- -do-
(c) Regularisation charges for second Storey	Rs. 3500/- -do-
(d) Regularisation charges for third Storey	Rs. 4500/- -do-
(e) Regularisation charges for fourth Storey	Rs. 5500/- -do-
(f) DF charges for fifth Storey	@Rs 250/- per sqm. For whole covered area at that floor.
(g) D. F. charges for sixth Storey	@Rs. 500/-per sqm. For whole covered area at that floor.

(F) Penalty/contribution towards Development Fund :

Every applicant shall have to contribute compounding fee towards the development Fund at following rates :

- Compounding fee for the deviations/offences under para (E) (i) & (ii) where regularisation is allowed, except the regularisation fee, the owner of the building should contribute towards Development Fund @Rs. 2500/-.
- Compounding fee for deviation offences under para (E) (ii) @ Rs. 250/-per Sq. mtrs. and @Rs. 500/- per Sq. mtrs. as indicated in clause (f) & (g) of sub-para (iii) of para (E) *supra*.

(G) Other points :

- The competent authority of concerned Special Area Development Authority will prepare its own guidelines with the approval of the State Government for management of the Development Fund including defining authorities for giving financial sanctions and for operating account. Salaries of staff will not be charged to the Development fund. A separate flying squad/demolition squad would be created with the permission of the Government. No vehicles will be purchased from this fund.
- The Special Area Development Authority shall decide all the cases received upto 30-6-2004 on or before 31-12-2004.

AFFIDAVIT

REGARDING LAYING OF PIPE LINES FOR WATER SEWERAGE PIPE LINES, AND ELECTRICITY THEREOF

I.....s/o Shri.....Aged.....years r/o.....

Tehsil.....District.....Himachal Pradesh do solemnly affirm and declare as under:

1. That single line building plan submitted is true to dimensions in respect of built-up area.....Sqm. And has.....storeys building situated at..... within the jurisdiction of Special Area Development Authority..... under the existing guidelines of the Government.
2. That I am the sole owner of plot at Khasra No.....on which I have constructed.....Storeys buildings consisting corridor and built-up area.
3. That I shall provide requisite land area free of cost to the municipal authorities for basic amenities like laying of sewerage/drainage/drinking water pipe lines etc. including common approach path to the building.
4. That in case of my default to provide necessary space as & when demanded for the required civic amenities, the Special Area Development Authority shall be at liberty to withdraw said N. O. C/disconnect my water & electricity connection etc.

DEPONENT.

VERIFICATION

I, the above named deponent do hereby verify that the contents of above affidavit are true and correct and nothing has been concealed therefrom

Verified at Shimla this.....day of.....,2004.

DEPONENT.